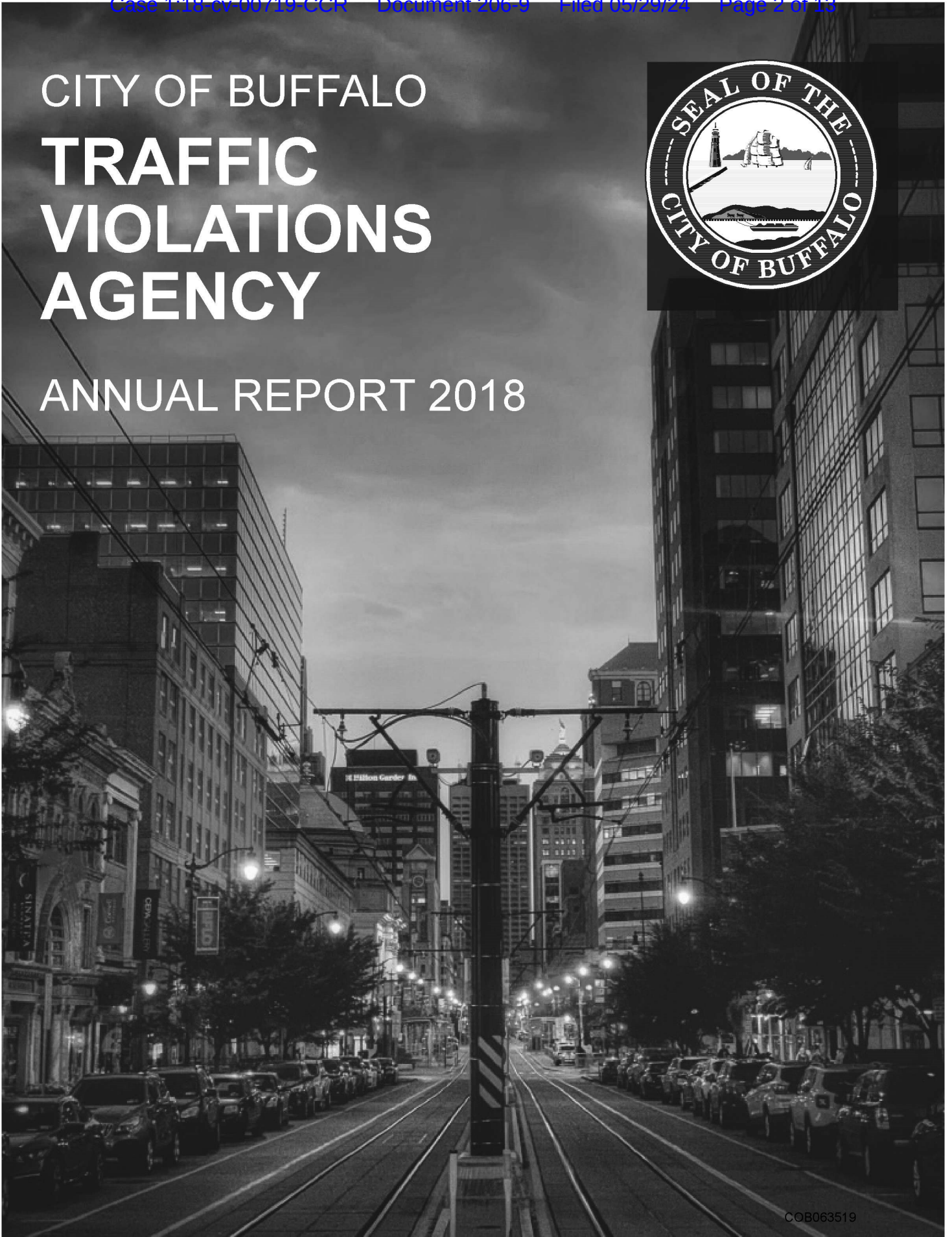
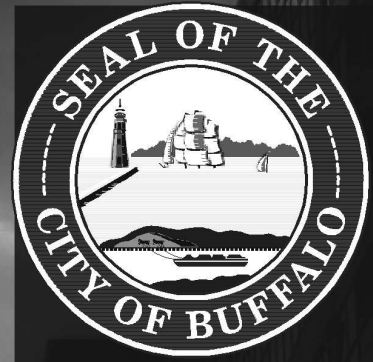


Exhibit 72

CITY OF BUFFALO TRAFFIC VIOLATIONS AGENCY

ANNUAL REPORT 2018



COB063519

TABLE OF CONTENTS

Executive Summary.....	1
Historical Overview	1
Operations	2
Public Access	2
Plea Process.....	2
Judicial Hearing	3
Default Convictions	3
Enforcement/Compliance	3
Interpretation Services.....	4
Databases and Programs.....	4
Points Reduction/Driver Improvement	4
Staff	5
Executive Director.....	5
Judicial Hearing Of ficers.....	5
Administrator	5
Traffic Pr osecutor.....	6
Support Staff	6
Development & Progress	7
Comparative Statistics.....	8
Financial Report.....	9

EXECUTIVE SUMMARY

To the Governor of the State of New York, the President Pro Tem of the New York State Senate, the Speaker of the New York State Assembly, the Mayor of the City of Buffalo, the Buffalo Common Council, the Supervising Judge of the Buffalo City Court, and the Erie County District Attorney:

Pursuant to Part C of Chapter 58 of the Laws of 2015, I am pleased to submit this report as to the progress, development and operations of the Buffalo Traffic Violations Agency. This report provides statistical data and an examination of the operations and ongoing development of the Agency from January 1, 2018, through December 31, 2018 ("The Reporting Period").



A handwritten signature in black ink that reads "Kevin J. Helfer".

KEVIN J. HELFER
Executive Director
Buffalo Traffic Violations Agency

HISTORICAL OVERVIEW

In 2015, the New York State Legislature amended the New York State Vehicle & Traffic Law, Criminal Procedure Law, State Finance Law, and General Municipal Law, authorizing the creation of the Buffalo Traffic Violations Agency (NYS General Municipal Law, Chapter 58, Part C). On April 12, 2015, Governor Andrew M. Cuomo signed the bill into law. On June 4, 2015, the City of Buffalo Common Council amended the City Charter to establish the Buffalo Traffic Violations Agency (City of Buffalo Local Law 1-2015). After public hearing, Mayor Byron W. Brown approved the amendment and the Buffalo Traffic Violations Agency became effective upon filing with the New York Secretary of State on June 15, 2015.

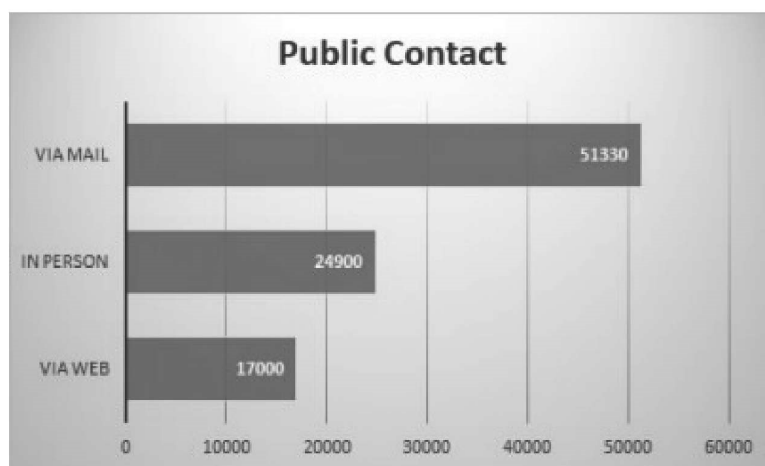
The Buffalo Traffic Violations Agency commenced operations on July 1, 2015. Prosecution and adjudication of non-misdemeanor traffic violations within Buffalo city limits transferred from the New York State Department of Motor Vehicles to the agency. The Buffalo Traffic Violations Agency assists the Buffalo City Court in the disposition and administration of specific traffic infractions that occur in the City of Buffalo in violation of the Vehicle & Traffic Law, Transportation Law, and Thruway Regulations of the State of New York. Uniform Traffic Tickets are prosecuted pursuant to the Criminal Procedure Law of the State of New York. The agency has no authority with respect to matters constituting misdemeanors or felonies, and has no jurisdiction over violations constituting parking, standing, or pedestrian offenses.

OPERATIONS

Moving violations in the City of Buffalo that result in the issuance of a non-misdemeanor Uniform Traffic Ticket are answerable to the Buffalo Traffic Violations Agency (with certain enumerated exceptions). All traffic violations are prosecuted in conformance with the New York State Vehicle and Traffic and Criminal Procedure Laws. The agency handled approximately 25,000 new tickets within the reporting period.

PUBLIC ACCESS

The agency serves the City of Buffalo, a municipality having a population of approximately 260,000. The agency office is located at 65 Niagara Square, Buffalo, NY, in room 115. Upon the issuance of a Uniform Traffic Ticket, motorists may answer to the agency in person or by mail. The agency is open to the public Monday through Friday except for recognized holidays. Walk-in hours are from 8:30 am until 4:00 pm. Prosecutor Conferences are held on non-Court days during normal business hours by



appointment; walk-in conferences are handled on a first come first served basis. General information is available to the public by visiting the agency's webpage. The office is accessible to the physically disabled. During the reporting period, the Buffalo Traffic Violations Agency served approximately 24,900 members of the public in person and handled approximately 51,330 pieces of mail. Approximately 17,000 visitors viewed the agency's webpage.

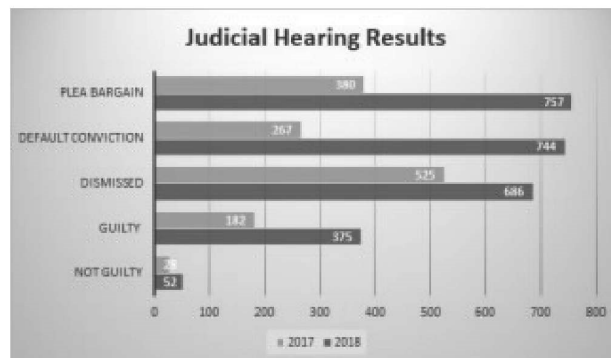
PLEA PROCESS

City Traffic Prosecutors offer answering defendant-motorists an opportunity to plea to reduced charges when qualified and within the Traffic Prosecutors' established plea recommendations. Notwithstanding the same, the traffic prosecutors maintain discretion to deviate from the established plea recommendations. The prosecutors may either craft plea agreements on a case-by-case basis; or, otherwise offer no plea and set a matter for judicial hearing. Upon the entry of a reduced plea agreement, fines and surcharges are assessed. Motorists may enter a plea in person or by mail. Motorists pleading not guilty are offered a reduced plea (if qualified).

OPERATIONS

JUDICIAL HEARING

If a plea offer is declined, a motorist is scheduled for a court hearing before a Judicial Hearing Officer, who renders a verdict on the matter. During the reporting period, judicial hearings were held two to four times per week. Each court day consisted of a 9:30 am and 2:00 pm session. Agency staff assist the traffic prosecutors in requesting law enforcement officers to testify at judicial hearings. Of approximately 4,300 tickets that were adjudicated after hearing during the reporting period, 10% were found guilty; 1% were found not guilty; 18% accepted a reduced plea offer prior to court; 17% were dismissed. Records of all court hearings are maintained by the Traffic Violations Agency.

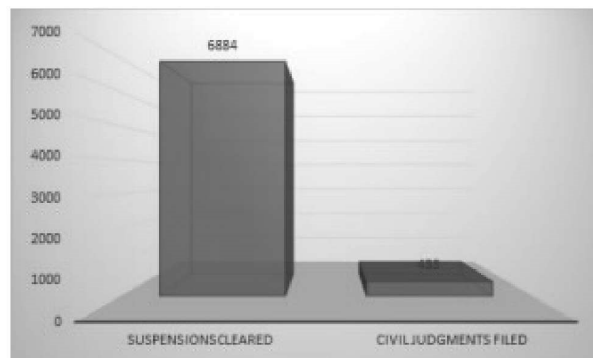


DEFAULT CONVICTIONS

Motorists who fail to appear at a scheduled judicial hearing are subject to default conviction. Likewise, motorists who fail to answer a Uniform Traffic Ticket, (subsequently failing to enter a plea), are subject to default conviction. Upon the entry of a default conviction, a motorist is found guilty of all charges and is assessed the maximum statutory fines and surcharges. The Buffalo Traffic Violations Agency adjudicated 744 cases as default judgments during the reporting period.

ENFORCEMENT/COMPLIANCE

Upon the failure to timely answer a ticket, the Buffalo Traffic Violations Agency may commence suspension of a motorist's license. Failure to appear at an adjourned date, hearing, or failure pay a fine may also result in license suspension. The Agency cleared 6,884 suspensions or impending suspensions during the reporting period. Delinquent fines ninety (90) days or older are subject to the filing of a civil money judgment in the Erie County Clerk's Office. During the reporting period, 433 civil money judgments were filed.



OPERATIONS

INTERPRETATION SERVICES



The Buffalo Traffic Violations Agency utilizes a subscription to Language Line, a telephone language translation service to assist foreign speakers over the telephone and in person. If interpretation services are required during judicial hearings, a court-certified interpreter is requested through the Buffalo City Court.

DATABASES AND PROGRAMS

The Buffalo Traffic Violations Agency utilizes multiple information databases to process each case. Staff are trained to use The Courtroom Program (NYS case management software), Department of Motor Vehicles databases, and common word processing and spreadsheet programs.



Tickets issued by law enforcement are transmitted to the agency in one of two ways. Traditionally, a hand-written ticket is completed in duplicate form. The conformed copy is issued to the defendant-motorist and the original ticket is filed with the Court.

The agency received 370 hand-written tickets during the reporting period. The majority of Uniform Traffic tickets are transmitted electronically via Traffic and Criminal Software (TraCS). The ticket information is then transmitted to the DMV Traffic Safety Law Enforcement and Disposition (TSLE&D) system, then catalogued and distributed to the Court through the New York State Office of Court Administration. Likewise, adjudicated tickets are transmitted through TSLE&D to the Department of Motor Vehicles for final disposition.

POINTS REDUCTION/DRIVER IMPROVEMENT

Traffic prosecutors may require a motorist to complete a driver improvement course as part of a reduced plea agreement. Motorists are referred to Department of Motor Vehicles approved classroom or online courses. Course topics include accident prevention, defensive driving, aggressive driving deterrence, and alcohol & drug use avoidance. This course promotes safe driving, and may offer the benefit of possible insurance discounts and points reduction. Erie Community College (ECC) also offers classroom driver safety courses. ECC's Driving Programs Division is the largest provider of safety training in New York State with more than 30 years of experience in delivering services to the judicial, substance abuse, safety, and general community. Course content discusses defensive driving techniques, and updates class participants on New York State laws to help the traffic violator improve his/her attitude toward driving. The agency may refer motorists to ECC's iDrive Program or Risk Intervention Program. iDrive Traffic School is a three hour dynamic course specifically tailored to 16-25 year old traffic violators. The design of the course is to engage and motivate participants to be responsible, caring and knowledgeable drivers. The Risk Intervention Program is a unique four-week traffic safety course for persistent or severe violators.

STAFF

EXECUTIVE DIRECTOR

General Municipal Law Sec. 374-a and Section 6-24(1) authorizes the Mayor of the City of Buffalo to appoint an Agency Executive Director, subject to confirmation by the Buffalo Common Council. The Executive Director is responsible for the oversight and administration of the Agency and to establish rules, regulations, procedures and forms as deemed necessary to carry out the functions of the Agency and the collection of delinquent fines.

The Agency is headed by Kevin J. Helfer, Executive Director. Mr. Helfer also serves as the City Commissioner of Parking. Mr. Helfer previously served as Councilmember on the Buffalo Common Council, Director of Erie County Contract Compliance, Commissioner of the Erie County Department of Social Services, and board member of the Buffalo Urban Renewal Agency.

JUDICIAL HEARING OFFICERS

Upon recommendation of the Mayor of the City of Buffalo, the Eighth Judicial District Administrative Judge shall appoint any Judicial Hearing Officers to preside over matters at the Buffalo Traffic Violations Agency. Judicial Hearing Officers have the same powers as a judge of the Buffalo City Court [Vehicle and Traffic Law Sec. 1690(1-a)].

The Hon. Rose H. Sconiers, was reappointed as Judicial Hearing Officer effective January 1, 2018. Justice Sconiers is a former judge of the Buffalo City Court, Justice of New York State Supreme Court for Erie County, and Justice of the Appellate Division for the Fourth Department. Justice Sconiers holds a JD from SUNY at Buffalo.

The Hon. Joseph A. Fiorella, was appointed as Judicial Hearing Officer effective January 1, 2018. Judge Fiorella served as a Buffalo City Court Judge from 2001 to 2017. He previously served as a hearing officer for the City of Buffalo Parking Violations Bureau and the Niagara Frontier Transportation Authority.

ADMINISTRATOR

The position of Administrator Traffic Violations Agency is a competitive civil service position. The position was adopted in February 2016 and was filled on a temporary basis. In August 2016, an open competitive exam was held for permanency in this position and a civil service eligible list was created. In March 2017, the permanent position was filled by current Administrator, Danielle S. Morgera.

Ms. Morgera is responsible for supervision of subordinate staff, operational management, and court coordination. Ms. Morgera's experience includes work as a paralegal, call center manager, and office manager. She holds an M.S. in Multidisciplinary Studies from Buffalo State College and a B.S. in Legal Studies from Hilbert College.

STAFF

TRAFFIC PROSECUTOR

General Municipal Law Sec. 370-a(2) defines "Traffic Prosecutor" as an attorney duly admitted to practice law in the State of New York, who is responsible to prosecute traffic infractions returnable before the Buffalo City Court, within jurisdictional and statutory limitations. The Traffic Prosecutors are afforded the same powers as a District Attorney. During the reporting period, the Buffalo Traffic Violations Agency employed several traffic prosecutors.

Alan P. Gerstman served as traffic prosecutor from July 2016. He previously served as Assistant Corporation Counsel for the City of Buffalo Law Department, Confidential Law Clerk in Erie County Supreme Court, and First Assistant Erie County Attorney. Mr. Gerstman holds a J.D. from SUNY Buffalo and a B.A. in History from SUNY Albany. Mr. Gerstman served as traffic prosecutor until August 2018.

Cindy T. Cooper served as traffic prosecutor from October 2017. Ms. Cooper previously served as Assistant Corporation Counsel for the City of Buffalo Law Department and the Executive Director for the Buffalo Housing Court Reform Project. Ms. Cooper holds a J.D. from SUNY Buffalo and a Ph.D. in Sociology from SUNY Buffalo. Ms. Cooper served as traffic prosecutor until August 2018.

In September 2018, Robert P. Johnson joined the Buffalo Traffic Violations Agency as the agency's sole, full-time traffic prosecutor. Mr. Johnson has vast experience working as a defense attorney in the Buffalo area. Mr. Johnson holds a J.D. from Cleveland State University.

SUPPORT STAFF

TRAFFIC AGENCY REPRESENTATIVES

The Buffalo Traffic Violations Agency employs two Traffic Agency Representatives, competitive civil service positions. Traffic Agency Representatives are tasked with the duties of bench court clerk, managing and coordinating judicial hearing schedules, and may serve in a supervisory capacity in the absence of the Administrator.

TRAFFIC AGENCY CLERKS

During the reporting period, the Buffalo Traffic Violations Agency employed five (5) Traffic Violations Agency Clerks, a competitive civil service position. In May 2017, one clerk was promoted to a position in another department and this vacancy was filled from the eligible list adopted in January 2017.

DEVELOPMENT AND PROGRESS

At the beginning of 2018, the Agency moved into Part 3 of Buffalo City Court as the agency's dedicated Courtroom and as a result, court sessions were increased to two to four times per week.

The federal Driver's Privacy Protection Act (DPPA) designates certain information in motor vehicle records as personal information. Personal information includes a motorist's photograph, social security number, date of birth, driver license number, non-driver ID number, name and address, telephone number, and medical or disability information. In an effort to protect the personal information of our citizens, the Agency may not release this information over the telephone and requires a motorist to appear in person with present valid photo identification to obtain case information, or otherwise, a notarized statement authorizing the Agency to release such personal information. All plea-by-mails require a notarized acceptance of the reduced offer thus maintaining that personal information is protected.

During the reporting period, the Agency began mandating personal appearances for motorists charged with violations of Uninsured Vehicle, Unlicensed Driver, and all accident tickets.

A conviction for an uninsured motor vehicle can be up to \$1,500 and result in mandatory license revocation for one year. Because of these severe consequences, motorists ticketed for operating an uninsured vehicle may not plea by mail and must appear at the Agency to meet with the prosecutor. This practice has promoted financial and driver responsibility as well as adding an extra layer of review to maintain accuracy in prosecution and fair sentencing.

Over 10% of the tickets that are filed with the Agency are for Unlicensed Operation. Unlicensed Operation may result from a motorist not holding a valid license, not holding the proper class of license, or operating a motor vehicle while a license suspension is in effect. The Agency is committed to driver education and expressing the importance of motorists obtaining and maintaining the proper license credentials. Unlicensed drivers are educated on how to clear suspensions and how to sign up, study, and pass the road test.

Victims in accident cases may be an injured individual or property that has been damaged. Victim assistance is of the utmost importance when screening accident cases in the Agency. Accident investigation reports are carefully reviewed and insurance information is verified. Witnesses may be interviewed and called in for testimony at trial if necessary.

In July 2018, the Agency launched its Distracted Driver Diversion Program. Distracted driving is the cause of nearly 25% of Buffalo's car crashes. Unlike environmental factors such as weather and road conditions, distracted driving such as cell phone use and texting while driving are human factors that can be prevented. Distracted driving accounts for 15% of fatal crashes in Buffalo, almost double that of the national average of 9%. Twenty percent of personal injury crashes are a result of distracted driving (source <https://data.ny.gov>).

This program is designed to:

- Reduce crashes caused by distracted driving.
- Promote safe driving through driver education.
- Promote driver financial responsibility by reducing the number of uninsured vehicles on Buffalo's streets.
- Participants may benefit through driver education, possible vehicle insurance reduction, and dismissal of the ticket.

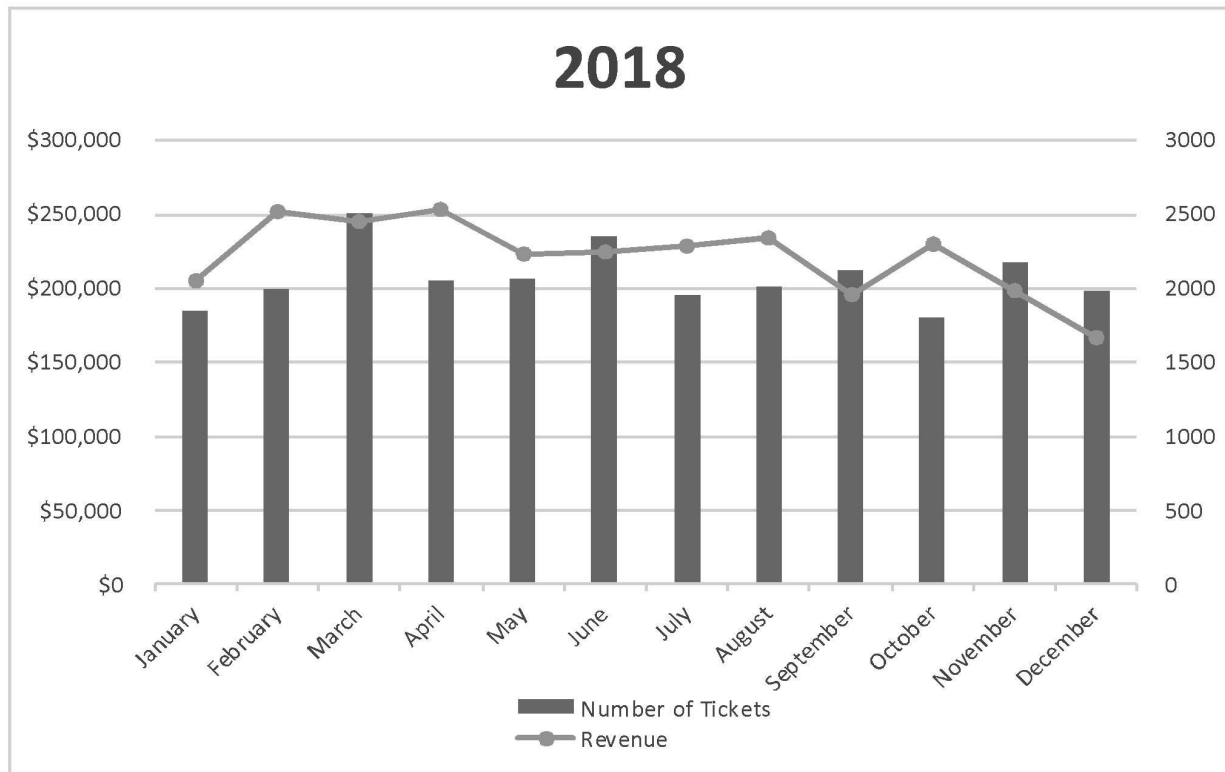
Motorists with a clean driving record charged with a sole traffic violation of VTL 1225-c2 Use of Mobile Device or VTL 1225-d Use of Portable Electronic Device, may be eligible for the Distracted Driver Diversion Program. Upon successful completion of Distracted Driver Diversion Program, the charge is dismissed.

COMPARATIVE STATISTICS

COMPARATIVE STATISTICS	2017	2018
TOTAL UNIFORM TRAFFIC TICKETS	35,548	24,814
TOTAL CASES	22,391	16,042
Transferred to Buffalo City Court	1,425	1,661
LICENSE SUSPENSIONS		
Released Suspensions or Impending Suspensions	10,732	6,884
OUTGOING POSTAGE		
Number of Pieces	n/r	22,366
TOTAL COST	n/r	\$13,889.55
USPS CORRESPONDENCE RECEIVED	n/r	n/r
NUMBER OF MAYOR'S 311 MATTERS	25	65
DEFAULT CONVICTIONS		
Trial in Absentia	267	744
Failure to Answer	595	378
Civil Money Judgments Filed	774	485
TOTAL DOLLARS COLLECTED		
Gross Revenue	\$3,562,096	\$3,049,202
New York State Distribution	\$375,280	\$388,843
Net Revenue	\$3,186,816	\$2,660,359
TOTAL DOLLARS OUTSTANDING (unpaid cases)	\$1,243,171	\$1,938,831
TOTAL MANPOWER DOLLARS SPENT		
Regular	≈ \$440,00	\$449,620
Overtime	\$78,079	\$56,779

n/r = Not Reportable for the Period

FINANCIAL REPORT



Month -- Year	Gross Revenue	State Distribution	Net Revenue
January 2018	\$229,346.00	\$24,136.00	\$205,210.00
February 2018	\$298,404.00	\$46,172.00	\$252,232.00
March 2018	\$289,462.00	\$44,257.00	\$245,205.00
April 2018	\$285,023.00	\$31,328.00	\$253,695.00
May 2018	\$254,166.00	\$30,400.00	\$223,766.00
June 2018	\$250,822.41	\$26,391.00	\$224,431.41
July 2018	\$258,675.00	\$29,285.00	\$229,390.00
August 2018	\$278,427.00	\$43,494.00	\$234,933.00
September 2018	\$215,171.00	\$19,378.00	\$195,793.00
October 2018	\$265,359.00	\$34,839.00	\$230,520.00
November 2018	\$231,430.00	\$32,960.00	\$198,470.00
December 2018	\$192,917.00	\$26,203.00	\$166,714.00

ANNUAL REPORT 2018

CITY OF BUFFALO **TRAFFIC VIOLATIONS AGENCY**



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